

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TONYA A. SMITH,
Plaintiff

v.

**ANDREW SAUL, COMMISSIONER
OF SOCIAL SECURITY,**
Defendant.

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6:19-CV-00505-ADA-JCM

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 24. The Report recommends that this Court deny Plaintiff's Motion to Supplement (ECF No. 19) and to affirm the final decision of the administrative law judge (styled as a Motion for Summary Judgment, ECF No. 18). The Report and Recommendation was filed on June 16, 2021.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the Report and Recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections nearly six months later, on January 3, 2022. ECF No. 31. But Plaintiff has good cause for delay. Plaintiff's counsel passed away. ECF No. 25. This prompted Plaintiff to file a motion for extension of time, which this Court granted. ECF No. 26.

Thus, the Court has conducted a *de novo* review of the motion for summary judgment (ECF No. 18), Plaintiff's motion to supplement (ECF No. 19), the briefing (ECF Nos. 21, 23), the Report and Recommendation (ECF No. 24), the Objections to the Report and Recommendation (ECF No. 31), and the applicable laws.

Plaintiff objects to the Report and Recommendation due to "evidence overlooked and or not provided." ECF No. 31 at 1. But the Court cannot now consider any evidence that was "not provided" previously. All evidence should have been submitted during the briefing process. Plaintiff does not specifically identify which evidence was "overlooked," and this Court is unable to find any overlooked evidence. Plaintiff's Objections to the Report and Recommendation then recites various facts related to the case but does not explain why these facts impact the analysis in the Report and Recommendation. *Id.* at 1-2.

After that thorough review, the Court is persuaded that the Magistrate Judge's Report and Recommendation should be adopted.

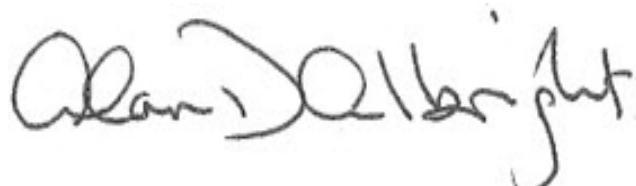
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, ECF No. 24, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Motion for Summary Judgment (ECF No. 18) is **DENIED**, and the final decision of the administrative law judge is **AFFIRMED** in accordance with the Report and Recommendation.

IT IS FINALLY ORDERED that Plaintiff's Motion to Supplement (ECF No. 19) is **DENIED**.

SIGNED this 26th day of January, 2022.

A handwritten signature in black ink, appearing to read "Alan Delbright".

**ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE**